

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-162 (1) (JRT/SRN)

Plaintiff,

v.

ORDER

Cesar Milian Valencia

Defendant.

Ann Anaya, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, on behalf of plaintiff.

Richard J. Coleman, **COLEMAN LAW OFFICE**, 1820 Girard Avenue South, Minneapolis, MN 55403 on behalf of defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 1, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Defendant's Motion to Suppress Evidence [Docket No. 26] is **DENIED, in part**, as it relates to the search and seizure of physical evidence and **DENIED AS MOOT, in part**, as it relates to the suppression of statements or identifications of Defendant.

Dated: August 17, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge